

Notice of Allowability

Application No.

10/734,782

Examiner

Stacy B. Chen

Applicant(s)

GRIFFITHS ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/18/06.
2. ☒ The allowed claim(s) is/are 38,39,41 and 42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Marks on June 15, 2006.

The application has been amended as follows:

IN THE SPECIFICATION:

Page 1, lines 1-3, have been replaced with the following:

-- This application is a divisional application of USSN 10/049,086, filed May 30, 2002, now U.S. Patent 6,919,083, which is the National Stage of International Patent Application PCT/GB00/02976 filed on August 7, 2000.--

IN THE CLAIMS:

Claims 40 and 43-52 have been cancelled.

Claim 39 has been replaced with the following:

--Claim 39. (Currently Amended) An immunogenic composition comprising the protein according to Claim 38 and a pharmaceutically acceptable carrier.--

Claim 41 has been replaced with the following:

--Claim 41. (Currently Amended) A diagnostic composition comprising the protein of Claim 38.--

Art Unit: 1648

Claim 42 has been replaced with the following:

--Claim 42. (Currently Amended) A diagnostic kit comprising the protein according to Claim 38.--

Examiner's Comment

The specification was amended to clarify the identity of the parent application, 10/049,086. Claims 40 and 43-52 were cancelled without prejudice. Claims 39, 41 and 42 were amended to clarify the claim language.

Conclusion

Claims 38, 39, 41 and 42 are allowable.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacy B. Chen whose telephone number is 571-272-0896. The examiner can normally be reached on M-F (7:00-4:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campbell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Stacy B. Chen 6/15/06

Stacy B. Chen
Primary Examiner
June 15, 2006

USSN 10/734,782
Attorney Docket No. VA/H-32318B

Complete claim listing with Examiner's amendment of June 15, 2006:

Claims 1-37 (Cancelled)

Claim 38. (Previously presented) An isolated protein comprising the amino acid sequence of SEQ ID NO: 4.

Claim 39. (Currently Amended) An immunogenic composition comprising the protein according to Claim 38 and a pharmaceutically acceptable carrier.

Claim 40 (Cancelled)

Claim 41. (Currently Amended) A diagnostic composition comprising the protein of Claim 38.

Claim 42. (Currently Amended) A diagnostic kit comprising the protein according to Claim 38.

Claims 43-52 (Cancelled)